

**SHORT MANUAL TO DOCUMENT
ENFORCED DISAPPEARANCES**

**FOR HUMAN RIGHTS DEFENDERS
IN KENYA**

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INTRODUCTION

We hope this publication offers valuable considerations and guidance for human rights defenders in Kenya who interact with victims of enforced disappearances and often serve as the first point of support for families.

The violent crackdown on protestors in 2024, including extrajudicial executions, enforced disappearances, torture, and arbitrary detention, was a stark reminder that defending our rights comes with enormous sacrifices. We stand in solidarity with those who strive every day for a better world for all.

This publication captures the discussions from several activities that Peace Brigades International Kenya (PBI Kenya) organised with human rights defenders, including the Right to Life pillars of Social Justice Centres, the Mothers of Victims and Survivors Network, and the Missing Voices Coalition. Highlights include a seminar on the documentation of enforced disappearances and a side event during the United Nations Human Rights Council session with human rights defender Perpetua Kariuki and Aua Balde of the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID).

In July 2024, Ms. Balde delivered a public lecture organised by the Missing Voices Coalition and met with human rights defenders and victims of enforced disappearances. Additionally, numerous discussions with activists and organisations in Nairobi and Mombasa provided valuable insights that have informed this publication.



ACKNOWLEDGEMENTS

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WHAT IS ENFORCED DISAPPEARANCE?



The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) defines enforced disappearance as follows:

Enforced disappearance is “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.”

(International Convention for the Protection of All Persons from Enforced Disappearance, Article 2).

Enforced disappearance is a deprivation of liberty by a state and the state's denial that they have the individual in their custody.

There is no specific time limit for something to be considered an enforced disappearance. Enforced disappearance can also amount to crimes against humanity when practised in a widespread or systematic manner.

ELEMENTS OF ENFORCED DISAPPEARANCE

To classify an act as enforced disappearance, three critical elements must be present: (1) the deprivation of liberty against the person's will, (2) the involvement of government officials or agents acting with the State's authorization or support and (3) a refusal to acknowledge the deprivation of liberty or concealment of the individual's fate or whereabouts, effectively placing the person outside the protection of the law.



The deprivation of liberty against the will of the person

Involvement of government officials



The refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person

“I DOCUMENT WITH SO MUCH OPTIMISM”

Perpetua Kariuki, Kayole Community Justice Centre

“I document because I want a safe society where every young person is safe from police brutality. Everyone in the informal settlement knows a person who is a victim of police brutality in some way. We just want to live in dignity.

Enforced disappearances have been the most challenging cases I have come to document. Because you have to ascertain that indeed it is done by a state agent, or person on behalf of the state, you have to identify who, you have to identify witnesses... Sometimes it is very difficult to identify witnesses or even if you have identified them, it is hard for them to come out. You have to find a strategic way of approaching them.”



“I would tell people who document enforced disappearances to be really careful about their **security**. And tell them the realities that come, the repercussions that come with doing this job of documentation. Documenting is going the extra mile. It is risky, you have to find or map out people who can help you and be in the company of someone you trust during documentation. You really have to be careful when you document.”

I also document because I am optimistic and I hope that one day things will change. When we started our justice centres, we had normalised police killings. And we have seen changes. **Being a victim of police brutality myself, I document with so much willingness. ”**

WHY DOCUMENT ENFORCED DISAPPEARANCES?

Documentation provides opportunities for the families and victims to share their stories and have their voices heard. It is important to obtain and keep information and any evidence that can help locate the disappeared persons, find out what happened to them, and seek justice for the violations that victims and their families endure. Documentation can help to hold perpetrators accountable and show the magnitude of the problem of enforced disappearances. Families most often want to find out what happened to their loved ones. Documentation is therefore very important in pursuing the truth.

SOME OF THE RIGHTS INFRINGED UPON BY ENFORCED DISAPPEARANCES

The right to life



The right not to be subjected to torture or other cruel, inhuman & degrading treatment or punishment



The right to a fair trial & corresponding judicial guarantees



The right to liberty and security of the person



The rights to information, opinion and expression, association and assembly



The right to freedom of movement and the right to asylum



The right to the truth



The right to dignity and to the recognition of the legal status of a person before the law



Several economic, social and cultural rights such as:
the right to family
the right to health
the right to education



The right to an effective remedy, including reparation and compensation



Please note that the rights affected by enforced disappearances can be extensive, and only a few examples have been highlighted here.

ENFORCED DISAPPEARANCES IN KENYA

In 2024, a striking number of enforced disappearances shocked Kenya. Before, during and after widespread protests triggered by the Finance Bill 2024, people, mainly activists, human rights defenders and lawyers were disappeared, some for a few days while others remain disappeared. In November 2024, the Kenya National Commission on Human Rights recorded 74 enforced disappearances between June and November 2024.¹

Enforced disappearances in Kenya can be traced back to the colonial era. Subsequent Kenyan governments have relied on enforced disappearances to oppress the political opposition, instill fear and control the population. More recently, the government has used the pretext of counterterrorism to carry out enforced disappearances against religious minorities. In 2015 the Kenya National Commission on Human Rights documented 81 enforced disappearances related to counterterrorism measures.² Kenyan and global human rights organizations organized in the Missing Voices Coalition have since 2019 documented 109 cases of individuals who have been disappeared, many of them young men from marginalized backgrounds.

“Enforced disappearance is often used as a tool to intimidate or eliminate, among other groups, human rights defenders, those who campaign for political change and journalists in the region.” (*African Commission on Human and Peoples’ Rights Guidelines on the Protection of All Persons from Enforced Disappearances in Africa*).

Human rights defenders are important actors in the fight against enforced disappearances. At the same time, they are a group that can be vulnerable to becoming a victim, as they fight against injustices, corruption and human rights violations.

1. Kenya National Commission on Human Rights, State of Human Rights in Kenya, July - November 2024, accessed 27 November 2024, <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1207/STATE-OF-HUMAN-RIGHTS-IN-KENYA-JULY-2023-NOVEMBER-2024>

2. Kenya National Commission on Human Rights, The Error of Fighting Terror with Terror, 2015, accessed 3 December 2024, <https://www.amnesty.nl/content/uploads/2016/12/Final-Disappearances-report-pdf.pdf?x21897>



KENYAN LAW

Kenya does not criminalize enforced disappearances. The lack of a domestic legal framework makes it difficult to prosecute the perpetrators of enforced disappearances. The Kenyan criminal code provides for the prosecution of abduction, kidnapping or murder. However, these crimes do not accurately reflect the magnitude and the impact of enforced disappearances. As such, the existing legal framework is inadequate to investigate, prosecute the perpetrators and provide reparations to the victims, and deficient in placing adequate responsibility on perpetrators of enforced disappearance. Recognising enforced disappearance as a crime in itself has therefore some important advantages.

INTERNATIONAL LAW

Kenya has not yet ratified the ICPPED, even though it signed it in February 2007. Despite this, Kenya still has an obligation not to do anything against the purpose of the convention, such as to protect against enforced disappearances. The duty to investigate is an internationally recognised norm and the Kenyan government must investigate enforced disappearances, regardless of whether it ratified the Convention. Further, enforced disappearance is a complex crime that represents violations of several fundamental rights enshrined in many international and regional treaties. If Kenya ratifies the ICPPED, it would mean that it becomes obligated to comply with the provisions in the convention, such as making comprehensive domestic legislation criminalizing enforced disappearances. It also shows the willingness of the country to take this problem seriously. Currently, 21 out of 55 African countries have ratified the Convention.



EVIDENCE FOR DOCUMENTATION

Documentation is essential in finding out what happened to the disappeared loved one, bringing perpetrators to justice, and providing reparations. The crime of enforced disappearances is a complex crime, one that commences from the time a person is disappeared until the person is released, or the body is found. Even after the person is found, the state's obligation to investigate and prosecute the perpetrators continues. Enforced disappearance is a crime committed by the state, state's agents or with the help of the state and as such it is often very difficult to report and investigate enforced disappearances.

While it may be difficult to document enforced disappearances, there are several types of evidence that can be submitted to the court or other judicial or administrative bodies.

VICTIMS TESTIMONY

If possible it is important to interview the victim (person who has been disappeared) as well as the family members who are considered victims.

WITNESSES

Usually the enforced disappearance occurs with a presence of witnesses. It is useful to collect testimony from anyone present during the crime and willing to speak.

CCTV CAMERAS

If the crime occurs on the streets or near buildings that have CCTV footage, such evidence can help identify the perpetrators, the vehicle they used to carry out the crimes and other important information.



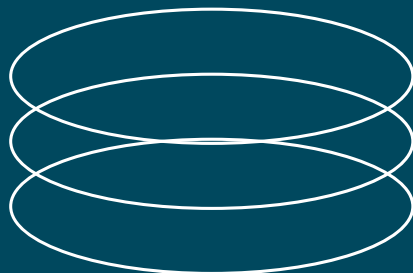
PATTERNS

Enforced disappearances is a crime committed by the state, as such, getting direct evidence tying the government to the crime may be difficult.

Thus, it is important to identify patterns that can tie enforced disappearances to the government, for example “the perpetrators came dressed in non-uniformed clothes, wore a mask with a gun and took the person inside an unmarked vehicle with darkened windows.”

REPORT OF MISSING PERSON/ OCCURRENCE BOOK NUMBERS

If victims can and don't fear retaliation, they should report the enforced disappearances to the police station to obtain an Occurrence Book (OB) number or to the human rights commission. The OB number is not essential to have, but it puts an obligation on the state to commence investigations.





SAMPLE QUESTIONS FOR DOCUMENTATION OF AN ENFORCED DISAPPEARANCE

When interviewing victims or witnesses of enforced disappearances, please ensure that the location is safe, you have the victims' trust, and be aware that the story you will hear will be difficult to tell and hear. Before the interview, it is important to obtain permission/consent from the victim or the witness to obtain their story. Begin the interview with broad questions such as getting to know the victim, and allowing the victim/witness to tell the story before narrowing down with specific questions.

Can you tell me about the victim? Who is he/she/they? The story of the victim.

Can you please tell me what happened on the day the person went missing?

Where was the person at the time they were disappeared? What were they wearing?

Was the victim with someone?

Do you know who disappeared the victim? Can you describe the perpetrators?

Did you notice something unusual on the day the person disappeared?

Were there signs or unusual behaviours on behalf of the victim?

Did you notice anything unusual in the area or any unusual persons in the area?

Did you report the disappearance to anyone? What actions have you taken to find the loved one?

Did you notice anything unusual since the person has disappeared?

“I AM NOT THE SAME PERSON AS I WAS FOUR YEARS AGO”

Ann Njeri, Mothers of Victims and Survivors network

Under the cool shade of a tree, Anne and I sit quietly, surrounded by a lingering heaviness in the air. Though four years have passed, the pain of her husband's disappearance is still raw, still difficult to put into words. No matter how many times she's had to retell the story, her emotions always remain close to the surface. Anne is a mother of three. Her husband went missing in April 2020, and she filed a report at the Thika Police Station, the area where he was last seen. She searched tirelessly for him, desperate for any sign, but after a month, hope turned to fear. Threats started coming her way, and mysteriously, the case file disappeared. Fearing for her children's safety, she eventually chose silence, even as her questions remained unanswered. Threats started coming her way, and mysteriously, the case file disappeared.



Fearing for her children's safety, Anne chose silence, her questions unanswered. "Each case is as unique as it is similar," she reflects. "You follow all the legal steps, but it feels like there's an untouchable power above us. I wish there was more protection for families like ours. Even now, I question my safety." Still, Anne finds solace in her community and support group. "The community has been incredible," she says gratefully. "People bring food, offer to pay school fees, and even our local MCA has secured bursaries for my kids. They care deeply and often ask, 'Have you heard anything about your husband?'" She adds, "The psychosocial support sessions have been a lifeline, helping me focus and realize I'm not alone. Sharing stories with others gives us strength."

Over time, Anne has adapted but admits she's changed. "I was lost trying to raise my children alone. These years have been hard, but I'm managing with my family's help. Learning to let go of the past has been key, though memories still flood back."

Her voice steadies. "When a case involves a police officer, the government should let it proceed, not hide it. Covering up denies us the truth and gives more power to those hurting us."

THOUGHTS ON THE PSYCHOSOCIAL IMPACTS OF ENFORCED DISAPPEARANCE



While the government disappears individuals, the impact is felt beyond the immediate family. Under the ICPPED, article 24 describes victims as those who are disappeared as well as any individual who has suffered harm as the direct result of enforced disappearance. **In this section, we want to share some thoughts about the psychosocial impacts on the family, people accompanying victims, and society at large when a person remains disappeared.**³

At a personal or family level, feelings of powerlessness, guilt and fear, and the lack of knowing the whereabouts of their loved ones, have effects on their mental health, their day-to-day lives and their physical health. The family can find itself isolated when the community distances themselves for fear of being in the same situation, or of being associated with them. Often, family structures change. When the breadwinner of the family disappears, the family finds itself in a more difficult economic situation, which introduces additional strain. Having to repeat the story, the burden of searching and legal procedures can have an impact on the family. It helps to educate the family to tell their story only to those who can empathize or do something about the issue. Sharing with a non-interested party can be very injurious.

For people accompanying victims and family in any way, feelings of fear and guilt can also come up, especially when you are close to the family. Feelings of frustration, fear and thoughts about what happened to the person can come up, or the reliving of personal experiences. The feeling of not doing enough for the family comes along and if not checked can drive accompaniers to the extent that they take unwarranted risks or experience impacts such as burnout. When tired, please respectfully ask for time out and take some rest.

Enforced disappearance can instil silence in a society. Wangui Kimari, anthropologist, argues that the lack of empathy for victims of grave human rights violations can be seen as one manifestation of the larger structural neglect towards marginalised communities.

3. For a more indepth discussion on psychosocial accompaniment read Aluna Acompañamiento Psicosocial AC "Keys to Psychosocial Accompaniment. Forced disappearance". 2022 https://536db96f-7878-40e0-8ceb-7224890ce49c.usrfiles.com/ugd/536db9_78b291ae1be749c59c9246084b6a7cbe.pdf

THOUGHTS ON THE PSYCHOSOCIAL IMPACTS OF ENFORCED DISAPPEARANCE

Enforced disappearance can instil silence in a society. Wangui Kimari, anthropologist, argues that the lack of empathy for victims of grave human rights violations can be seen as one manifestation of the larger structural neglect towards marginalised communities.⁴

Sometimes, at the societal level, people justify enforced disappearances as a way to combat crime or terrorism, because in their eyes other mechanisms have failed. Enforced disappearance can instill a reluctance to speak out about injustices in fear of repercussions. This can lead to stigmatization of the families and the vulnerable groups that are mostly victims. It makes human rights defenders vulnerable to being labelled as defending criminals or terrorists.

**“We all live in fear now” – HRD in 2024 after
disappearances surrounding the 2024 finance bill
protests in Kenya.**

However, community and social groups can be of great support to the family and victims, especially when supporting a family to adapt to a new situation and with immediate needs, such as resources and child support. In some cases, it can be helpful if families can connect with other people who have gone through similar situations, and find solidarity in networks of family members..

**“When someone disappears, it provokes a chilling
effect in society, it instills fear and prevents other
people from coming forward and defending the
same” Aua Balde, Member of the UNWGEID**

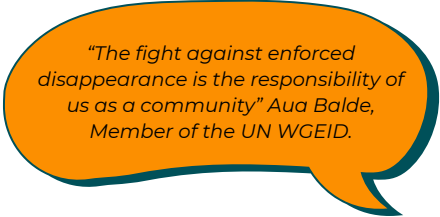
4. Kimari, W. Activists, care work, and the ‘cry of the ghetto’ in Nairobi, Kenya. *Palgrave Commun* 4, 23 (2018). <https://doi.org/10.1057/s41599-018-0078-8> <https://www.nature.com/articles/s41599-018-0078-8>

WHEN LISTENING OR ACCOMPANYING FAMILY MEMBERS:

Be real and in control of your verbal and non-verbal communication as it can be misinterpreted for insensitivity.

Avoid making judgements about how people feel or how they cope. Every family history and experience of enforced disappearance is unique and every individual copes differently with the disappearance.

Listen non-anxiously and resist the temptation to finish sentences for the speakers.



"The fight against enforced disappearance is the responsibility of us as a community" Aua Balde, Member of the UN WGEID.

Keep in mind your limitations and your role. Think about whether you are the right person for the family to talk to, and if not, look for a way to refer them. Don't make promises you cannot keep and try to avoid giving them false hope. Be aware of how the enforced disappearance affects you.

Let family members make their own choice about how they want to cope with the enforced disappearance of their loved one, and what they want to do in the quest for justice. Because enforced disappearances per definition are committed by the state or at the request of the state, it is often difficult to find justice through the legal system. Apart from the legal avenues, it is important to keep in mind that for victims and families, recognition of the violation committed upon them, truth, reparations, and support for victims among many other aspects are also, and sometimes even more, important.

“I ENCOURAGE PEOPLE TO TALK. IT BEGINS WITH TALKING.”

Lucy Wambui, Mothers of Victims and Survivors network

"I came as a victim, and now I am a defender. I took up the documentation of enforced disappearances, extrajudicial executions, and any case related to police brutality. I became Wambo the Defender. I owned it." These are the first words Wambo shares with me, her eyes alight with fire and determination. Her transformation from victim to defender has reshaped her life and left an indelible mark. In her work, Wambo has become a lifeline—a first point of contact for families who have lost loved ones.



When families see you, they often think you're there to relieve their burden," Wambo explains. "But honesty is crucial. Don't make promises you can't keep. False hope only leads to frustration. People assume that when an organization shows interest, things will move quickly, but that's rarely the case."

Wambo's mission is to inspire others to transition from victimhood to advocacy. "If we stop fighting, the harm will only intensify," she says. "We need each other. The mothers can't do it alone. Together, we share, cry, and find strength in solidarity."

To honor lost lives, Wambo and her community established a memorial park in Mathare's Mlango Kubwa, where each tree represents someone taken. "These trees symbolize lives lost. We light candles to guide them on their journey."

Despite challenges like reluctant lawyers and slow legal processes when dealing with enforced disappearances, Wambo's unwavering resilience keeps her fighting for accountability



SAFETY AND SECURITY CONSIDERATIONS WHEN DOCUMENTING ENFORCED DISAPPEARANCES.

- 01.** Analyse the context of the enforced disappearance: what are the political and socio-cultural circumstances by the time of the enforced disappearance? Who could be the possible perpetrators and what interests could they be advancing or protecting? How could the victim have impacted on these interests as a result of his/her work?
- 02.** Conduct a thorough risk assessment to establish the risks associated with pursuing justice for the victim(s) under that context, for both the family and other actors involved in the effort. Prepare for specific situations, such as going to the police station, giving testimony, and searching for the disappeared person.
- 03.** What documentation, advocacy, legal aid and accompaniment for relatives and friends do you have access to?
- 04.** Observe strict adherence to the principles of effective human rights violations documentation, particularly that of **doing no harm**. For example, when documenting an enforced disappearance and recording the story of family and victims, pick a location that is safe and appropriate. Keep in mind that in many cases, family and the close circle are being observed by perpetrators.



05. Keep in mind that in some instances, enforced disappearance victims', families', and HRDs' phones are monitored to see who is also part of their network or group. Make use of secure communication channels, for example Signal.

06. As in any kind of documentation, assure that the information is properly stored, handled and protected, for the safety of the family and of yourself. The UNWGEID has provided a list of all kinds of open source platforms that can help you to safely document and search for disappeared person: <https://documents.un.org/doc/undoc/gen/g23/182/83/pdf/g2318283.pdf>

07. Maintain an updated and functional list of emergency protection contacts in the country or beyond in the case that you receive threats or attacks in retaliation for documenting the case. There are a number of organizations in Kenya and beyond that can support human rights defenders at risk. If you have engaged with the United Nations about the case, you can also let them know when you have received retaliations.

08. Liaise with the Witness Protection Agency should the need to place witnesses to the enforced disappearance arise: <https://wpa.go.ke/apply-for-protection/>

As in any instance of defending human rights, it is important to take into account your safety and security when documenting and following up on an enforced disappearance. These are some specific recommendations, assuming you already have some basic experience with security for human rights defenders.

On the PBI website you can find some of the resources that exist in terms of safety and security: <https://peacebrigades.org/en/our-work/security-and-protection-resources>.



WHO CAN YOU REACH OUT TO.

“Civil society organizations play a significant role in the overall protection and promotion of human rights, including the fight against enforced disappearances. They usually are the first door that victims of enforced disappearances would seek for assistance and they have played a significant role in assisting victims to reach out to the working group.” Aua Balde

On a national level, you can consider reaching out to:

- Non-governmental organizations; for example the partners in the Social Justice Centres, Missing Voices Coalition or Police Reforms Working Group - Kenya.
- The Law Society of Kenya (LSK)
- Independent Policing Oversight Authority (IPOA)
- Kenya National Commission on Human Rights (KNCHR)
- Witness Protection Agency (WPA)
- The local police station, or Internal Affairs Unit of the National Police Service.
- Media
- Social media



HOTLINE NUMBERS

Kenya National Commission on Human Rights (KNCHR): 0726 610 159/ 0800-720-627

Defenders Coalition: 0716200100

IPOA : 020 4906000

**Witness Protection Agency:
0725222442, 0711222441**

Victims can also seek justice or information on their loved ones through regional & international institutions.

At the regional level, the African Commission on Peoples and Human Rights

can accept information on the victims of enforced disappearances and send several forms of communication to the respective governments to obtain information. Most African countries, including Kenya, have ratified the Banjul Charter which protects various rights violated by the crime of enforced disappearance.

At the African Commission, the Working Group on Death Penalty, Extrajudicial Killings and Enforced Disappearances has a specific mandate to address enforced disappearances and assist the victims. A victim, an NGO, or a lawyer can reach out to the Working Group with a case of enforced disappearance requesting assistance in contacting the respective governments to obtain information on the whereabouts of the disappeared loved one.

To contact, the African Commission, please visit: <https://achpr.au.int/>



WHO CAN YOU REACH OUT TO.

At the United Nations level, the victims, their legal representatives, and civil society organizations can reach out to several human rights bodies that can assist the victims in seeking information on the whereabouts of their loved ones and obtain justice.

United Nations Working Group on Enforced or Involuntary Disappearances:

- The group accepts cases from all over the world as their mandate covers even countries that have not ratified the Convention
- You can submit a case to the working group through a specific form. The group transfers a request to the government, asking them to clarify the fate of the disappeared.
- You can also submit a general communication. The group can then send a general allegation letter to the government on the same.

Committee against Torture:

- Many victims of enforced disappearance experience torture as a result the Committee against Torture can be another avenue to seek justice. The Committee against Torture can also receive complaints (however, only if your country has accepted the Committee's jurisdiction to accept individual complaints and such complaints have been litigated domestically).

Further, civil society organizations can also submit shadow reports on the issue of torture in the country as well as participate in other ways outlined on the Committee's website.

When a State has ratified the ICPED, you can reach out to the **Committee on Enforced Disappearances**.

The Human Rights Committee is a treaty body established to monitor the implementation of the International Covenant on Civil and Political Rights (ICCPR) Most countries have ratified the Covenant and the rights protected in the Covenant are often the rights violated by the crime of enforced disappearances. Civil society can provide shadow reports to the Committee on the rights violated by enforced disappearances and ensure the Committee has the necessary information when reviewing the state's compliance with the implementation of the rights protected under ICCPR.

The Human Rights Council regularly carries out the Universal Periodic Review, a peer review of states reporting on the actions the states have taken to improve the human rights situation in their countries as well as to provide recommendations to carry out further improvements. Civil society organizations can participate in the process by submitting shadow reports and relevant information on the status of human rights in their respective countries.⁵

5. For more information on the UPR visit <https://upr-info.org/en/review/kenya>

GLOSSARY

ACPHR	African Commission on Human and Peoples' Rights
acquiescence	the express or implied approval, in this case of Disappearances by the government or government agents
criminalizing	criminalizing enforced disappearance means to explicitly make enforced disappearances illegal under criminal law.
ICCPR	International Covenant on Civil and Political Rights
ICPPED	International Convention for the Protection of all Persons from Enforced Disappearances
NGO	non-governmental organisation
OB Number	Occurrence Book number
remedy	a method of legally solving a problem or disagreement. An effective remedy must be sufficient, accessible and prompt
reparations	the right to reparation refers to measures to redress violations of human rights by providing a range of material and symbolic benefits to victims or their families as well as affected communities.
UNWGEID	United Nations Working Group on Enforced or Involuntary Disappearances
UPR	Universal Periodic Review

SOURCES

1. African Commission on Human and Peoples' Rights Guidelines on the Protection of All Persons from Enforced Disappearances in Africa, <https://achpr.au.int/en/documents/2022-10-25/guidelines-protection-persons-enforced-disappearances-africa>
2. Aluna Acompañamiento Psicosocial AC “Keys to Psychosocial Accompaniment. Forced disappearance”. 2022 https://536db96f-7878-40e0-8ceb7224890ce49c.usrfiles.com/ugd/536db9_78b291ae1be749c59c9246084b6a7cbe.pdf
3. International Convention for the Protection of All Persons from Enforced Disappearance. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>
4. Kenya National Commission on Human Rights, The Error of Fighting Terror with Terror, 2015, accessed 3 December 2024, <https://www.amnesty.nl/content/uploads/2016/12/Final-Disappearances-report-pdf.pdf?x21897>
5. Kenya National Commission on Human Rights, State of Human Rights in Kenya, July - November 2024, accessed 27 November 2024, <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1207/STATE-OF-HUMAN-RIGHTS-IN-KENYA-JULY-2023-NOVEMBER-2024>
6. Kimari, W. Activists, care work, and the 'cry of the ghetto' in Nairobi, Kenya. *Palgrave Commun* 4, 23 (2018). <https://doi.org/10.1057/s41599-018-0078-8> <https://www.nature.com/articles/s41599-018-0078-8>
7. Missing Voices Annual Reports 2019 to 2023. www.missingvoices.or.ke
8. The Nation: “Exclusive: How Kenyan police use mobile phones to track, capture suspects”, 29/10/24 <https://nation.africa/kenya/news/exclusive-how-kenyan-police-use-mobile-phones-to-track-capture-suspects-4804416>
9. United Nations Working Group on Enforced or Involuntary Disappearances, <https://www.ohchr.org/en/special-procedures/wg-disappearance>

